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\*E-FILED 4/30/2008\*

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13 Attorneys for Plaintiff  
14 FACEBOOK, INC.

15  
16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN JOSE DIVISION

19 FACEBOOK, INC., a Delaware  
20 corporation,

Case No. C-07-03404 HRL

21 Plaintiff,

22 v.  
23 STIPULATED ORDER AND PERMANENT  
24 INJUNCTION

25 Brian Fabian, Josh Raskin, Ming Wu, and  
26 JOHN DOES 4-10, individuals; and Istra  
27 Holdings Inc., Slickcash.com, 1564476  
28 Ontario Limited, and JOHN DOES 14-20,  
corporations,

Defendants.

29  
30 WHEREAS Plaintiff Facebook, Inc. ("Facebook") has commenced this action seeking,  
31 among other relief, a permanent injunction enjoining Defendants Istra Holdings, Inc. ("Istra  
32 Holdings"), 1564476 Ontario Limited ("Ontario Limited"), Brian Fabian ("Fabian"), and Ming  
33

1 Wu ("Wu") (the defendants hereafter to be referred to as the "Defendants"), and their officers,  
2 agents, servants, and employees, and those persons acting in concert or participation with them,  
3 from directly or indirectly from becoming members of, accessing, paying third parties to access,  
4 or introducing automated codes or scripts designed to access, Web sites owned or operated by  
5 Facebook ("Facebook.com"), or from attempting to contact members of Facebook.com using  
6 any information, including but not limited to names, email addresses, or screen names obtained  
7 from, or verified as valid by, access to Facebook.com;

8  
9       **WHEREAS** the parties have consented, pursuant to the Settlement Agreement between  
10 them, to the entry of a permanent injunction against Defendants, the terms of which are set forth  
11 below.

12       **THEREFORE** the parties stipulate as follows:

13       1.       The Court has jurisdiction over the subject matter at issue in this action. The  
14 Defendants consent to the jurisdiction of this Court for the purpose of entry and enforcement of  
15 this Stipulated Order and Permanent Injunction, but for no other purpose.

16       2.       The Defendants, their officers, agents, servants, employees, successors, and  
17 assigns, and any persons acting in active concert or participation with them who receive actual  
18 notice of this Order by personal service or otherwise be, and they are, hereby immediately and  
19 permanently and forever enjoined from:

20           a.       Retaining or using any information that was obtained from  
21 Facebook.com, including but not limited to, the code used to introduce the automated script on  
22 Facebook.com, any programs and/or software code designed to obtain information from the  
23 Facebook.com, any and all information returned to the defendants as a result of the script's,  
24 program's, and/or software's operation, and any other information gathered from Facebook.com

1 and/or about Facebook users as alleged in the Complaint in the above-captioned matter, and that  
2 they will not use such information for any purpose;

3                   b.     Becoming members of, accessing, paying third parties to access, or  
4 introducing automated codes or scripts designed to access, Facebook.com for a period of ten  
5 (10) years from the effective date of the Settlement Agreement between the parties in this  
6 matter; and

7                   c.     Attempting to contact members of Facebook.com using any information  
8 obtained from Facebook.com as alleged in the above-captioned matter, including but not limited  
9 to names, email addresses, or screen names obtained from, or verified as valid by, access to  
10 Facebook.com;

11                   d.     Participating, assisting, aiding, abetting, or engaging in any transaction  
12 with, any other person or entity engaging in or performing any of the activities in paragraphs a  
13 or b above;

14                   3.     This Stipulated Order and Permanent Injunction is final and may not be appealed  
15 by either party;

16                   4.     The Court shall retain jurisdiction to enforce this Stipulated Order and Permanent  
17 Injunction and the settlement agreement between the Parties;

1 DATED this 10<sup>th</sup> day of April, 2008.

2

3 FACEBOOK, INC.

4

5 By: 

6

Mark Zuckerberg

7

(print name)

8

Its: Deputy General Counsel

9

(title)

10

11 1564476 ONTARIO LIMITED

12

By: 

13

Brian Fabian

14

(print name)

15

Its: Director

16

(title)

17

BRIAN FABIAN

18

By: 

19

Brian Fabian

20

(print name)

21

It is hereby ORDERED, ADJUDGED AND DECREED

22

DONE AND ORDERED this 30<sup>th</sup> day of April, 2008.

23

24

25

The Honorable Howard R. Lloyd  
United States Magistrate Judge

26

27

28

1 Approved as to form by:

2 **PERKINS COIE LLP**

3  
4 By:/s/ David Chiappetta  
5 David Chiappetta

6 Attorneys for Plaintiff  
7 FACEBOOK, INC.

8 *and*  
9 **Duane Morris LLP**

10 By: /s/ Gregory G. Iskander  
11 Gregory Iskander

12 Attorneys for Defendants Istra Holdings, Inc., 1564476 Ontario Limited, Brian Fabian, and Ming  
13 Wu

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